

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDITERRANEAN SHIPPING COMPANY : X
(USA) INC, : :
Plaintiff, : **ORDER DISMISSING CASE**
-against- : **WITHOUT PREJUDICE**
HUATAI USA LLC et al., : 19 Civ. 10756 (AKH)
Defendants. : :
----- X

ALVIN K. HELLERSTEIN, U.S.D.J.:

On March 15, 2021, Dennis Abramson filed a motion to withdraw as counsel for Defendants, explaining that Defendants would no longer be defending the action going forward. ECF No. 31. I granted his motion on March 16, 2021, on the condition that I was provided with “proof of prompt service on defendants, and defendants' failure to object, or consent by defendants.” ECF No. 32. I directed Plaintiff to move for default judgment by April 2, 2021. *Id.* On March 18, 2021, Plaintiff Mediterranean Shipping Company notified the court that they do not wish to move for default judgment, as the defendants are out of business. ECF No. 34. Plaintiff explained that it could not file a notice of voluntary dismissal since defendants answered the complaint. Nor can Plaintiff file a stipulation of dismissal without the signature from defendants’ counsel. Plaintiff therefore requests an order dismissing the case without prejudice.

I hereby dismiss the case without prejudice, and without costs. All pending court dates are hereby cancelled. The Clerk is instructed to mark the case closed.

SO ORDERED.

Dated: March 19, 2021
New York, New York

/s/ Alvin K. Hellerstein _____
ALVIN K. HELLERSTEIN
United States District Judge